

516-203AXA-32

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) L. Miller offered the following:

Amendment (with title amendment)

On page 1, line 17,
remove from the bill: everything after the enacting clause,
and insert in lieu thereof:

Section 1. Section 843.021, Florida Statutes, is
created to read:

843.021 Unlawful possession of a concealed handcuff
key.--

(1) As used in this section, the term:

(a) "In custody" means any time while a person has
been placed by a law enforcement officer in handcuffs,
regardless of whether such person is under formal arrest.

(b) "Handcuff key" means any key, tool, device,
implement, or other thing used, designed, or intended to aid
in unlocking or removing handcuffs.

(c) "Concealed handcuff key" means any handcuff key
carried by a person in a manner that indicates an intent to
prevent discovery of the key by a law enforcement officer,

1 including, but not limited to, a handcuff key carried:
2 1. In a pocket of a piece of clothing of a person, and
3 unconnected to any key ring;
4 2. On a necklace of a person;
5 3. On the body part of a person or on any item of
6 clothing of such person, when the handcuff key is secured on
7 the body part or item of clothing by use of tape, glue, line,
8 or other material;
9 4. In or within any compartment, seam, fold, or other
10 encasement within any item of clothing, belt, shoe, or jewelry
11 of a person;
12 5. In or within any sock, hose, shoe, belt,
13 undergarment, glove, hat, or similar item of clothing or
14 accessory of a person;
15 6. By a person and disguised as jewelry or other
16 object; or
17 7. In or within any body cavity of a person.
18 (2) Any person who possesses a concealed handcuff key
19 commits a felony of the third degree, punishable as provided
20 in s. 775.082, s. 775.083, or s. 775.084.
21 (3) It is a defense to a charge of violating this
22 section that, immediately upon being placed in custody, the
23 person in custody actually and effectively disclosed to the
24 law enforcement officer that he or she was in possession of a
25 concealed handcuff key.
26 (4)(a) It is a defense to a charge of violating this
27 section that the person in custody and in possession of a
28 concealed handcuff key is:
29 1. A federal, state, or local law enforcement officer,
30 including a reserve or auxiliary officer, a licensed security
31 officer, or a private investigator as defined in s. 493.6101;

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1 or

2 2. A professional bail bond agent, temporary bail bond
3 agent, runner, or limited surety agent as defined in s.
4 648.25.

5 (b) However, the defense is not available to any
6 officer, investigator, agent, or runner listed in this
7 subsection if the officer, investigator, agent, or runner,
8 immediately upon being placed in custody, fails to actually
9 and effectively disclose possession of the concealed handcuff
10 key.

11 Section 2. Paragraph (d) of subsection (3) of section
12 921.0022, Florida Statutes, is amended to read:

13 921.0022 Criminal Punishment Code; offense severity
14 ranking chart.--

15 (3) OFFENSE SEVERITY RANKING CHART

17 Florida	Felony	
18 Statute	Degree	Description

21		(d) LEVEL 4
22 316.1935(3)	2nd	Driving at high speed or with
23		wanton disregard for safety while
24		fleeing or attempting to elude
25		law enforcement officer who is in
26		a marked patrol vehicle with
27		siren and lights activated.
28 784.07(2)(b)	3rd	Battery of law enforcement
29		officer, firefighter, intake
30		officer, etc.

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1	784.075	3rd	Battery on detention or
2			commitment facility staff.
3	784.08(2)(c)	3rd	Battery on a person 65 years of
4			age or older.
5	784.081(3)	3rd	Battery on specified official or
6			employee.
7	784.082(3)	3rd	Battery by detained person on
8			visitor or other detainee.
9	784.083(3)	3rd	Battery on code inspector.
10	787.03(1)	3rd	Interference with custody;
11			wrongly takes child from
12			appointed guardian.
13	787.04(2)	3rd	Take, entice, or remove child
14			beyond state limits with criminal
15			intent pending custody
16			proceedings.
17	787.04(3)	3rd	Carrying child beyond state lines
18			with criminal intent to avoid
19			producing child at custody
20			hearing or delivering to
21			designated person.
22	790.115(1)	3rd	Exhibiting firearm or weapon
23			within 1,000 feet of a school.
24	790.115(2)(b)	3rd	Possessing electric weapon or
25			device, destructive device, or
26			other weapon on school property.
27	790.115(2)(c)	3rd	Possessing firearm on school
28			property.
29	800.04(7)(c)	3rd	Lewd or lascivious exhibition;
30			offender less than 18 years.
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1	810.02(4)(a)	3rd	Burglary, or attempted burglary,
2			of an unoccupied structure;
3			unarmed; no assault or battery.
4	810.02(4)(b)	3rd	Burglary, or attempted burglary,
5			of an unoccupied conveyance;
6			unarmed; no assault or battery.
7	810.06	3rd	Burglary; possession of tools.
8	810.08(2)(c)	3rd	Trespass on property, armed with
9			firearm or dangerous weapon.
10	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
11			or more but less than \$20,000.
12	812.014		
13	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
14			firearm, motor vehicle,
15			livestock, etc.
16	817.563(1)	3rd	Sell or deliver substance other
17			than controlled substance agreed
18			upon, excluding s. 893.03(5)
19			drugs.
20	828.125(1)	2nd	Kill, maim, or cause great bodily
21			harm or permanent breeding
22			disability to any registered
23			horse or cattle.
24	837.02(1)	3rd	Perjury in official proceedings.
25	837.021(1)	3rd	Make contradictory statements in
26			official proceedings.
27	<u>843.021</u>	<u>3rd</u>	<u>Possession of a concealed</u>
28			<u>handcuff key by a person in</u>
29			<u>custody.</u>
30	843.025	3rd	Deprive law enforcement,
31			correctional, or correctional

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providing that disclosure of such possession to a law enforcement officer is a defense to the charge of unlawfully possessing a concealed handcuff key; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; including the offense of possessing a concealed handcuff key on the offense severity ranking chart; providing an effective date.